

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 22, 1954
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilmen Long, Pearson, Thompson, Mayor McAden
Absent: Councilman White

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Invocation was delivered by REV. LEWIS SPEAKER, First English Lutheran Church.

Pledge of Allegiance to the Flag.

Councilman Pearson moved that the Minutes of July 8th and 15th be approved. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden
Noes: None
Absent: Councilman White

The Mayor announced that Councilman White was absent due to illness.

MR. JOHN COFER appeared in the interest of the members of the Fire Department and the petition which they filed, pointing out that the working time generally over the United States for firemen was 63 hours a week, and that these men had received the endorsement of having the matter considered for submission to the people if the Council did not adopt the reduction in hours, and pointing out further that it would require 14-15 additional men at about \$55,000 a year. He asked that the Council vote to set this up in the budget for October 1st, instead of spending money for an election. The firemen would cooperate in fixing the time putting into effect this new hourly scale, after the new men were trained. MR. TOM PINCKNEY stated the law provided 72 hours a week for firemen in Texas, and the only way the shorter hours could be obtained is through a vote of the Council or by going before the people. He asked that

the Council vote to put this into effect October 1, and promised that their committee would work with the City on a date for it to actually go into effect depending on the training of the new men. Councilman Long said she had not read the ordinance. Councilman Pearson stated the Council promised to look into this matter and try to work towards this by October 1st, but it had not gotten to go into the matter with the City Manager yet. Councilman Long explained that the ordinance either had to be adopted or sent to the vote of the people. She asked if it could be adopted to be effective on any particular date. The City Attorney explained the date ordinances became effective where there were no emergency clauses. MR. AMOS HARREL spoke as a taxpayer. He quoted figures on the average pay of state and local workers in Texas as being \$263.00 a month. The firemen are paid \$7.00 a month more than the average in the state. He quoted figures he had worked out showing average wages paid city employees-- Electrical workers, 47 paid \$257.00; 253, \$300; Water distribution, 93 paid \$236.00 average; Sewer workers, 106 - \$240; Policemen, 162, average pay \$310; Firemen, 195 average pay \$270. Average teachers' pay \$300. MR. COFER offered to work with the City Attorney to draw up an ordinance; and if the Council would pass the ordinance which met the requirements in principle, they would withdraw the request for an election. Councilman Thompson inquired if Councilman Long were ready to vote on this right now, if she were familiar enough with the deal to vote on it, and if she had all the facts. She replied she was in favor of adoptin the 63 hour week by October first; but on the particular ordinance she had not read it; but in principle she was for it. Councilman Thompson wanted to get some facts and figures the matter in relationship as to whether or not it would put the firemen in a position that would be unfair to the policemen and other city workers. He did not want to treat one group better than another. He pointed out another question for consideration was that it was the practice of some of the firemen to engage in other occupations when they are not on the job as firemen. Mr. Cofer replied that this was in violation of the law, but that they should be paid for hours they put into earn a living. The Mayor announced that since there was not a full Council, the matter would not be acted upon at this meeting, but the Council would take it under advisement and act upon it within the limited time. He complimented the group for conducting its request in such a dignified manner. A Letter from MRS. WILLIS W. PRATT, 3001 West 35th Street, complimenting the firemen in their efficiency in handling a fire at her home, was filed.

In accordance with Article IV, Section 4 of the Charter of the City of Austin, the City Clerk filed the following certificate:

July 22, 1954

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

I, Elsie Woosley, City Clerk, City of Austin, Texas, do hereby certify that I have examined a sufficient number of the petitions filed by the Austin Firefighters Association to determine that there appeared at least 5,075 signatures of persons qualified to vote. Of the petitions examined, there were found the signatures of 4,022 persons not qualified to vote in the precincts in which they listed their addresses. Mr. S. D. Heffington, Assessor-Collector of Taxes, has reported approximately 39,251 qualified voters in the City of Austin. The ten percent required by the City Charter would be 3,926. I did not examine the remaining petitions, because it was apparent that a sufficient number of voters had signed the petitions examined. I further

certify that each petition examined had the affidavit required in Section 3, Article IV of the Charter.

(Sgd) Elsie Woosley
City Clerk, City of
Austin, Texas

Following is a copy of the petition filed by the Austin Firefighters Association:

"AN ORDINANCE TO BE ENTITLED:

"An ordinance adopted by the City Council of the City of Austin, (or in the alternative by the people of the City of Austin under Article 4 of the Charter of the City of Austin) fixing the hours of employment for the employees of the Fire Department of the City of Austin engaged in fire fighting or in the suppression of fire or subject to the hazards thereof; and providing for shifts of work; and providing for the number of hours of work for all other members of the Fire Department of the City of Austin, including Fire Alarm Operators, Mechanics, Drill Masters, District Chief Instructors and Administrative Assistant to the Chief and to all Fire Inspectors in the Fire Prevention Bureau; providing that this ordinance shall not apply during periods of extraordinary emergency; and providing for the application of base salaries in effect on June 1, 1954 as a minimum base salary for the members of the Fire Department of the City of Austin under each classification; and providing this ordinance shall not prevent paying more than these base salaries; and providing that any member of the Fire Department may be required to work hours in excess of the maximum provided herein, provided such extra hours are compensated at the rate of one and one-half ($1\frac{1}{2}$) the regular pay rate; and providing for the payment of a substitute upon exchange between the members of the Fire Department; and providing that if any portion of this ordinance shall be declared invalid it shall not affect the validity of any other portion thereof.

"BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN (OR IN THE ALTERNATIVE BY THE PEOPLE IN THE CITY OF AUSTIN UNDER THE PROVISIONS OF ARTICLE 4 OF THE CHARTER OF THE CITY OF AUSTIN):

"Section 1. No member of the Fire Department of the City of Austin engaged in fire fighting or in the suppression of fire, or subject to the hazards thereof, shall hereafter be on duty in such employment for a period in excess of twenty-four (24) hours, no shall be off duty less than twenty-four (24) consecutive hours out of any forty-eight (48) hour period. Provided that all persons in the employ of the Fire Department of the City of Austin who are engaged in fire fighting or in the suppression of fire, or subject to the hazards thereof, shall be entitled to an additional twenty-four (24) consecutive hours off duty in every eight (8) day period, so that no individual member of said Fire Department shall be on duty more than a total of one hundred and forty-four (144) hours in consecutive periods of sixteen (16) days each; it being intended hereby that no such fireman shall be required to work more than the average of sixty--three (63) hours per week.

"Section 2. Working shifts shall be changed at 12:00 o'clock noon of each day, with members of the respective divisions of the Fire Department divided into two equal shifts.

"Section 3. No other member of the Fire Department other than those set

out in Section 1 hereof, including Fire Alarm Operators, Mechanics, Drill Masters, District Chief Instructors, and Administrative Assistant to the Chief, shall be required to work more than forty (40) hours in any one week or more than eighty (80) hours in any two weeks period. The provisions of this section shall also apply to all Fire Inspectors in the Fire Prevention Bureau.

"Section 4. The requirements of this ordinance shall not apply during the periods of extraordinary emergency caused by fire, flood, disaster or similar conditions.

"Section 5. If the provisions of this ordinance are adopted as provided by law, it is provided that the base salaries in effect on June 1, 1954 for each classification in the Fire Department shall be established as a minimum base salary for the members of the Fire Department in each such classification. Nothing herein shall be construed to prevent the City of Austin from paying more than these base salaries if it is so desired and so provided.

"Section 6. Nothing herein shall be construed to prevent the City Council of the City of Austin from adopting this ordinance without submitting the same to an election of the people as provided by Article 4 of the Charter of the City of Austin.

"Section 7. The provisions of this ordinance shall not be construed as to prevent the Chief of the Fire Department or any Officer of the Fire Department, whom the Chief might designate from requiring any member of the Fire Department to work hours in excess of the maximum hours provided by the provisions of this ordinance, provided, however, that any such fireman required to work extra hours on his off duty time shall be compensated, for the extra hours worked above the maximum provided herein at a rate of one and one-half ($1\frac{1}{2}$) his regular rate of pay. The provisions of this ordinance shall not be construed to be violated when members of the Fire Department of the City of Austin exchange time with each other or hire a substitute to work in his place, with the consent of the Fire Chief or any Fire Department Officer whom the Chief might designate.

"Section 8. In the event any part of this ordinance shall be held to be invalid, the invalidity of such portion of said ordinance shall in no manner affect the validity of any other portion hereof."

"TO THE MAYOR AND CITY COUNCIL OF THE CITY OF AUSTIN:

"We, the undersigned, who are qualified electors in and of the City of Austin, County of Travis, and State of Texas, hereby request that the accompanying proposed legislation in the form of a proposed ordinance, pertaining to maximum periods of work, manner of distribution of salaries and hours of work and minimum compensation, in the Fire Department of the City of Austin be submitted to a vote of the people if not passed by the Council."

MR. HARRY POLLARD representing property owners of a Lot on Leon Street appeared in hearing requesting the Council to rescind the ordinance vacating 82' of alley between Leon and San Gabriel in the 2200 block. He explained the early dedication of this alley to the public in 1914. His clients had contracted in December, 1953, to sell this property to a Fraternity on the basis it was properly zoned, and that it abutted a publicly dedicated alley. Upon application

of the three owners of the property next to the alley, the Council vacated the alley. His clients were not given notice. The Fraternity wanted to erect a house, and use this alley for deliveries and entrance to their off-street parking spaces, as Leon was too narrow to use for parking. He believed the rights of his clients had been taken away. MR. J. E. CLARKE, owner of property on the alley, stated the alley had never been used; and if reopened for this Fraternity, he feared for his children's lives due to the delivery trucks and traffic entering the franternity property. The reopening of this alley would mean maintenance by the City to serve one piece of property. MR. O.P. SCHOOLFIELD, owner of the property adjoining the alley, spoke against the reopening of the alley for this one piece of property, and gave as his reasons, that it was a 16' alley and not wide enough for the proposed traffic and truck deliveries; that the city had never used the alley; that the properties would be damaged from \$3,000 to \$5,000. The Mayor suggested that the Council look into this matter and take it up again next Thursday. (City Attorney submitted recommendation against repeal)

Pursuant to published notice thereof the Council publicly heard the following zoning applications:

D. C. CLARK,	8400-8500-8600	Blocks	From "A" Residence
C. E. PEARSON,	Burnet Road		1st Hgt & Area
ET AL			To "C" Commercial
			6th Hgt and Area
			NOT RECOMMENDED by the
			Planning Commission

Mr. Jerome Sneed represented the applicants. No opposition appeared. Mr. Sneed showed need of commercial; that the property was commercial in character and use before the area was annexed; that the strip zoning was identical to that already established on Burnet Highway; that the property could not develop residential, and if not zoned would lay idle. The Mayor asked those who wished to uphold the recommendation of the Planning Commission and deny the change to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: None
 Noes: Councilmen Long, Pearson, Thompson, Mayor McAden
 Absent: Councilman White

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance.

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E. C. STEWART	107-109 West James	From "A" Residence
		1st Hgt and Area
		To "C" Commercial
		6th Hgt. and Area
		RECOMMENDED by the
		Planning Commission

Mr. Stewart, with his attorney Mr. E. M. DeGeurin, appeared for this change. Discussion was held on the set back. The Mayor asked those who wished to uphold the recommendation of the Planning Commission and grant the change to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden
 Noes: None
 Absent: Councilman White

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance.

Mr. Stewart was advised to apply to the Zoning Board of Adjustment for variance in the set-back requirements.

MRS. CLARENCE H. MILLER	606 West 32nd Street	From "A" Residence
ESTATE, Owner, And		To "C" Commercial
A. WAYNE PRICE, ESTATE,		NOT Recommended by the
By Jas. H. Hudson		Planning Commission

Dr. W. J. Battle, expressed opposition for himself and Mrs. A. N. McCallum and Mrs. A. McCaleb to this zoning change. Several letters were received opposing this change. The Mayor asked those who wished to uphold the recommendation of the Planning Commission and deny the change to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden
 Noes: None
 Absent: Councilman White

The Mayor announced that the change had been denied.

EDWARD JOSEPH & MRS.	Fruth St. north of	From "B-1" Residence
WILHELMINE SHEFFIELD	W. 34th; 500-04 W.	To "C-1" Commercial
	34th Street	NOT Recommended by the
		Planning Commission

Mr. Frank Denius, attorney for Mr. Joseph requested that this application be referred back to the Plan Commission as Mr. Joseph wanted to submit more detailed plans. Mr. Grady Chandler opposed the change of making a residential district into a commercial district; that 33 property owners out of 39 objected; that one change of zoning brought on another; 34th Street is only 30' wide and Fruth 25'; parking already in effect by the bowling alley makes the street impassable practically; that this was in no sense zoning for public health, safety, morals and general welfare. Mr. Oliver Bruck opposed and submitted six letters of opposition. He did not think that Mr. Joseph and Mrs Sheffield should have greater depth of commercial on Guadalupe than others along Guadalupe,

and he objected as this would cause even a greater traffic hazard. Dean Shelby opposed the change. Mr. Richard J. Matthews complained of the nuisance condition now existing at the bowling alley. Mr. Frank Denius spoke for his client, and again asked for re-referral to the Plan Commission. Miss Katherine Conti spoke for Mrs. Wilhelmine Sheffield. Mr. Mahoney explained the recommendation of the Plan Commission--that enlarging the bowling alley would create additional parking, and that there were not sufficient plans. The Council referred this application back to the Plan Commission for further consideration.

Councilman Pearson suggested that some way be worked out where these requests for delay or like this one, be made a week ahead instead of at the last minute.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northeast corner of the intersection of Lamar Blvd. and West 51st Street, which property fronts 100 feet on Lamar Blvd. and 125 feet on West 51st Street, and being known as a portion of the James P. Wallace Survey in the City of Austin, Travis County, Texas, and hereby authorized the said W. L. Brown to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said W. L. Brown has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"July 22, 1954

"Mr. Walter Seaholm
City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of W. L. Brown for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northeast corner of the intersection of Lamar Blvd. and West 51st Street, which property fronts 100 feet on Lamar Blvd. and 125 feet on West 51st Street, and being known as a portion of the James P. Wallace Survey

in The City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by W. L. Brown and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner.

"We recommend that W. L. Brown be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc. and that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - H - 1305.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - H - 1305 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a

final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted
C. G. Levander
Director of Public Works

(Sgd.) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Long, Pearson, Thompson, Mayor McAden
Noes: None
Absent: Councilman White

Mayor McAden brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 2.528 ACRES OF LAND BEING OUT OF AND A PART OF THAT CERTAIN 7.96 ACRE TRACT OF LAND, A PORTION OF THE JAMES P. WALLACE SURVEY NO. 57 IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden
Noes: None
Absent: Councilman White

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden
Noes: None
Absent: Councilman White

Mayor McAden brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 8.98 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS J. CHAMBERS SURVEY, WHICH SAID ADDITIONAL TERRITORY

LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden
Noes: None
Absent: Councilman White

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden
Noes: None
Absent: Councilman White

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on February 6, 1950, Simon Castillo entered into a contract with the City of Austin to purchase the hereinafter described property for the total sum of Three Hundred Seventy-Five Dollars (\$375.00); and,

WHEREAS, said total consideration has now been paid to the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager be and he is hereby authorized and directed to execute a deed on behalf of the City of Austin, conveying to Simon Castillo, for and in consideration of the payment by the said Simon Castillo to the City of Austin of the total sum of Three Hundred Seventy-Five Dollars (\$375.00), 1055 square feet of land, same being out of and a part of Lot 26 of Paul Simms Addition, a subdivision of Outlot 22, Division A, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, said Lot 26 having been conveyed to the City of Austin by warranty deed dated June 11, 1947, of record in Volume 830, at page 549, of the Deed Records of Travis County, Texas, which 1055 square feet of land is that portion of said Lot 26 lying north of the north line of East 7th Street.

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden
Noes: None
Absent: Councilman White

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a deed on behalf of the City of Austin, conveying to A. M. Rundell and wife, Nora M. Rundell, for and in consideration of the payment by the said A. M. Rundell, et ux, to the City of Austin of the consideration of Ten Dollars (\$10.00) and other good and valuable consideration, 369 square feet of land, same being out of and a part of that certain 5.640 acre tract of land out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin by warranty deed, which 369 square feet of land was described as "Second Tract" in said deed and is more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of Lot 4, Elmhurst Addition, a subdivision of a portion of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, according to a map or plat of said subdivision of record in Book 3 at page 314, Plat Records of Travis County, Texas;

THENCE with the west line of said Lot 4 S. 31° 33' W. 77.38 feet to a point on the proposed east right-of-way line of the Interregional Highway, said proposed east right-of-way line being a curve whose angle of intersection is 37° 35', whose tangent distance is 700.12 feet, and whose radius is 2057.57 feet;

THENCE following the curving east right-of-way line of the proposed Interregional Highway to the left, an arc distance of 78.28 feet, the sub-chord of which arc bears N. 20° 50' E. 78.15 feet to an iron pin on the south line of Lot 1, Block 9, Bellvue Park, a subdivision of a portion of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, according to a map or plat of said subdivision of record in Book 1, at page 45, Plat Records of Travis County, Texas, and which iron pin is in the north line of the said City of Austin 5.640 acre tract of land;

THENCE with the southline of the said Lot 1, Block 9, Bellvue Park and the north line of the said City of Austin tract S. 61° 17' E. 14.51 feet to the point of beginning.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden

Noes: None

Absent: Councilman White

The Council decided to discuss the personnel policy next week, and also the report on the study of the city's insurance.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in ARNOLD DRIVE, from a point 15' north of Northeast Drive northerly 430', the centerline of which gas main shall be $6\frac{1}{2}$ ' west of and parallel to the east property line of said ARNOLD DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in CAROL ANN DRIVE, from Arnold Drive to Old Manor Road, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said CAROL ANN DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in EAST 49TH STREET, from a point 237 feet east of Duval Street westerly 105 feet, the centerline of which gas main shall be 5 feet south of and parallel to the north property line of said EAST 49TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in ROBERT E. LEE ROAD, from a point 370 feet east of Lund Street easterly 150 feet, the centerline of which gas main shall be 12 feet north of and parallel to the south property line of said ROBERT E. LEE ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in EAST 14th STREET, from a point 134 feet east of Comal Street easterly 96 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 14TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in PECOS STREET, from a point 216 feet north of Greenlee Drive northerly 204 feet, the centerline of which gas main shall be 6 feet west of and parallel to the east property line of said PECOS STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in MARTHA STREET, from a point 267 feet east of Northwestern Avenue easterly 42 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said MARTHA STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in NILE STREET, from Vaiden Street southerly 138 feet, the centerline of which gas main shall be 6 feet west of the east property line of said NILE STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in CONCHO STREET, from a point 178 feet north of East 13th Street northerly 81 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said CONCHO STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground and elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden

Noes: None

Absent: Councilman White

The Mayor announced that MR. CAREY C. THOMPSON had been appointed as a member of the Board of Equalization to fill the vacancy on the Board due to the resignation of Mr. W. R. Nabours.

There being no further business the Council adjourned at 1:30 P. M. subject to the call of the Mayor.

APPROVED:

CA Brady

Mayor

ATTEST:

Elaine Hawley

City Clerk